

**GENERAL WAIVER REQUEST**GW-1 (4/01) <http://www.cde.ca.gov/waiver/>

Page 1 of 2

**First Time Waiver:** ☐**Renewal Waiver:** ☐Send Original plus one copy to:

Waiver Office, California Department of Education

1430 N Street, Suite 5602

Sacramento, CA 95814

**Faxed originals will not be accepted!**

<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td colspan="6" style="text-align: center; padding: 2px;">CDS CODE</td> </tr> <tr> <td style="width: 15%; height: 20px;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> </tr> </table>						CDS CODE											
CDS CODE																	
LEA:			Contact/recipient of approval/denial notice:		Contact Person's E-Mail Address:												
Address: (City) (State) (ZIP)			Phone (and extension, if necessary): ( ) - x Fax Number: ( ) -														
Period of Request: (month/day/year)			Local Board Approval Date: (Required)		Date of Public Hearing: (Required)												
From: To:																	
<b>LEGAL CRITERIA</b>																	
<p><b>1. Under the General Waiver Authority of Education Code 33050-33053, the particular Education Code or California Code of Regulations Section(s) to be waived (number) :</b> _____ Circle One: E.C. or CCR</p> <p>Topic of the waiver: _____</p>																	
<p><b>2. If this is a Renewal</b> of a previously approved waiver, please list Waiver Number CDSIS - _____ and date of SBE Approval _____</p>																	
<p><b>3. Position of the Bargaining Unit.</b> Does the district have any employee bargaining units? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, please complete required information below:</p> <p>Date(s) the bargaining unit(s) was (were) consulted: _____</p> <p>Name of bargaining unit persons(s) consulted: _____</p> <p>The position(s) of the bargaining unit(s) was/were: <input type="checkbox"/> Neutral <input type="checkbox"/> Support <input type="checkbox"/> Oppose <i>(Please summarize below)</i></p> <p>Comments (if appropriate): _____</p>																	
<p><b>4. Public Hearing Requirement:</b> (A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal. Distribution of local board agenda does not constitute notice of a public hearing. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district. Not necessary for Renewal Waivers unless controversial.</p> <p><b>How was the required public hearing advertised?</b></p> <p><input type="checkbox"/> Notice in a newspaper? <input type="checkbox"/> Notice posted at each school? <input type="checkbox"/> Other: _____ <i>(Please summarize below.)</i></p> <p>_____</p>																	
<p><b>5. Advisory Committee/School Site Councils.</b> Please identify the council(s) or committee that reviewed this waiver: Not necessary for Renewal Waivers unless controversial.</p> <p>Date the committee/council reviewed the waiver request: _____ (Date)</p> <p>There were objection(s) <input type="checkbox"/> <i>(Please summarize the objection(s))</i> _____</p> <p>No Objections <input type="checkbox"/></p>																	

**6. Education Code or California Code of Regulations section to be waived.** If the request is to waive a portion of a section, type the text of the pertinent sentence of the law, or those exact “phrases” requested to be waived (or use a strike out key).

\_\_\_\_\_

**7. Desired outcome/rationale.** State what you hope to accomplish with the waiver. Describe briefly the circumstances that brought about the request and why the waiver is necessary to achieve improved student performance and/or streamline or facilitate local agency operations. (If more space is needed, you may attach additional pages.)

\_\_\_\_\_

**8. For a Renewal Waiver Only, District also must certify:**

True  
☐  
☐  
☐

False  
☐  
☐  
☐

The facts that precipitated the original waiver request have not changed.

The remedy for the problem has not changed.

Members of the local governing board and district staff are not aware of the existence of any controversy over the implementation of this waiver or the request to extend it.

Renewals of General Waivers must be submitted **two months before** the active waiver expires. The local governing board must approve the renewal request. Retroactive waivers must go through the First Time Waiver Process.

**Is this waiver associated with an “apportionment related audit penalty?” (per E.C. 41344)** ☐ No ☐ Yes (if yes, please attach explanation or copy of audit finding)

**District or County Certification** – *I hereby certify that the information provided on this application is correct and complete.*

Signature of Superintendent or Designee:

Title:

Date:

> \_\_\_\_\_

**FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY**

Staff Name (*type or print*):

Staff Signature:

Date:

> \_\_\_\_\_

Unit Manager (*type or print*):

Unit Manager Signature:

Date:

> \_\_\_\_\_

Division Director (*type or print*):

Division Director Signature:

Date:

> \_\_\_\_\_

Deputy (*type or print*):

Deputy Signature:

Date:

> \_\_\_\_\_

## ***INSTRUCTIONS FOR PREPARING A STATE BOARD OF EDUCATION***

### **GENERAL WAIVER REQUEST**

(First Time or Renewal)

**General Waivers.** Education Code (E.C.) sections 33050-33053 permit the State Board of Education (SBE) to waive most (but not all) Education Code sections or the California Code of Regulations, Title 5. This is known as the “general waiver authority;” it is not program specific. In the absence of specific waiver authority for the subject you need, this is the appropriate course to take. **NOTE: there are some Education Codes “excepted” (a waiver is not permitted) from this authority as listed in EC 33050 (a)(1) through (15).** Please be sure to check this list before requesting a waiver under this authority.

**IMPORTANT-** Place an (X) in one the boxes on the top of the form the type of waiver requested: **First Time Waiver** or **Renewal Waiver**. Renewals must be submitted two months before the prior waiver expires.

### **IDENTIFICATION INFORMATION**

**CDS Code (7 digit)** - code number identifies the district or county office of education and can be found in the *California Public School Directory*. It is printed before the listing of each district and county office of education.

**Local Educational Agency (LEA)** - The governing board of a school district, or a county board of education are eligible to request specific waivers from the State Board of Education. Regional Occupational Program/Centers may apply “if approved by a unanimous vote of the governing board of the joint powers agency”. Charter schools (include Certification Form (E.C. Sec. 33054), or Nonpublic Schools or Agencies may now apply directly, but they must have a sponsoring district or county, provide additional certification of public hearing.

**Contact/Recipient of approval/denial notice/e-mail address** - list the name of the person who is **most knowledgeable about this waiver request**, which may be the person completing the form. California Department of Education staff frequently must call or e-mail for additional information and questions about the waiver contents.

**Address, City, State, Zip, Phone Number/Fax Number** - complete address and the phone number (include extension number, please) and the fax number of the LEA making the request.

**Period of Request** - Generally, this is a period of time as requested by the district, consistent with the purpose of the waiver. Specifically indicate: month/day/year for the beginning and ending time of the waiver.

**NOTE: Under EC section 33051(c): Districts that have requested and received approval for the same general waiver for two consecutive years may not be required to reapply annually if the information contained on the request remains current.** The State Board of Education always retains the authority to require updated information, or rescind the general waiver, once granted.

**Local Board Approval Date/and Public Hearing Date (Both Required)** - State the date that the local School Board approved this waiver request.

### **LEGAL CRITERIA**

1. **Education Code, California Code of Regulations Section or portion to be waived using the General Waiver Authority under E.C. section 33050-33053.** Write the E.C. section number(s) or Title 5 CCR section number(s), which you want to waive (in part or in whole). Give a brief description of the topic of the waiver.
2. **If this is a renewal of a previously approved waiver**, please list the previous waiver number and date the State Board of Education approved the original waiver.
3. **Position of the bargaining unit.**  
This item is required for most General waivers. **Failure to involve the bargaining unit as a “participant” in the waiver process is a cause for denial per E.C. 33051(7) of the waiver.** This involvement would be best if it is prior to the Public Hearing and Board vote on the waiver. The district’s or county’s obligation to consult unions is NOT restricted to contract issues. Although union “support” is not a required condition for State Board approval, the request must reflect the district’s efforts to involve any bargaining units. The position of the bargaining must be clearly marked, and explained if they are “opposed.”
4. **Public Hearing Requirement.**  
General waivers require the local board to conduct a public hearing on the waiver request before it can be considered by the SBE. **A public hearing is not simply a board meeting, but a properly noticed public hearing held during a board meeting at which time the public may testify on the waiver proposal.** Distribution of local board agenda **does not** constitute notice of a public hearing. The notice must specifically invite public testimony. Acceptable ways to advertise include: (1) print a notice that includes the time, date, location, and subject of the hearing in a newspaper of general circulation; or (2) in small school districts, post a formal notice at each school and three public places in the district (modeled after E.C. Section 5362).
5. **Advisory Committee/School Site Council**  
This item is also required for most General waivers. **Failure to gain “approval” from the School Site Council in a waiver of any program requiring the existence of a School Site Council is a cause for denial (E.C. 33051(2)) of the waiver.** This involvement should be prior to the Public Hearing and Board vote on the waiver.

For some topics, there may be another committee or council with an interest in the waiver, and they must be consulted. For example, a waiver related to School Improvement Programs (SIP) must be approved by the School Site Council, those relating to bilingual programs must be reviewed by the bilingual advisory committee. **If a written summary of any objections from the committee or council is not attached, this is also grounds for denial for E.C. 33051(3).**

6. **Education Code or California Code of Regulation Section to be waived.**  
Type the text of the pertinent section of the law (E.C) or regulation (Title 5) you wish to waive. If only a portion of a section is to be waived, include that portion verbatim, preceded and followed by ("..."). Or, type the whole text of the code with a “**strikeout key**” on the portion you want waived.
7. **Desired Outcome/rationale.**

State as briefly as possible what this waiver will accomplish. Please do not restate the law. Briefly describe the circumstances that brought about this request and why the waiver is necessary to achieve improved student performance and/or streamline local agency operations. Many waivers need additional materials and other data provided as attachments to support this section, or to prove that the district meets the guidelines as required for waiver in a SBE Waiver Guideline. If you are unsure of what extra materials to provide call the Waiver Office, or the CDE Consultant who works on that particular type of waiver.

**8. For a Renewal Waiver.**

Complete this section of certification to three stipulations to which affirmative answers will allow the waiver to go as a "Renewal." NOTE: A Renewal MUST be submitted two months before the active waiver expires, or it must be treated as a NEW Specific waiver, requiring the public hearing, collective bargaining unit contact, and review by the Advisory Committee or School Site Council. Retroactive Waivers (previous years) also must go through the full process for a Specific Waiver.

**Apportionment Related Audit Penalty.**

Is this a waiver associated with an apportionment related audit penalty per E.C. 41344? If so, yes attach an explanation of the audit finding or a copy of the audit finding. Currently, due to statute, the SBE cannot waive these types of waiver requests.

**District or County certification.**

The District or County Office of Education Superintendent or designee must sign to certify to the accuracy of the information, sign where indicated, and date the request.